

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

L.C. MCDONALD, JR.,

Defendant.

CASE NO. 8:04CR508

MEMORANDUM AND ORDER

This matter is before the court on defendant's Motion to voluntarily withdraw his Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by a person in Federal Custody (§ 2255). The Motion is granted and the defendant's § 2255 motion is dismissed without prejudice.

IT IS ORDERED:

1. Defendant's Motion to Withdraw his § 2255 motion (Filing No. 46) is granted;
2. Defendant's § 2255 motion (Filing No. 44) is dismissed without prejudice;
3. A separate judgment will be entered; and
4. The clerk of court is directed to send a copy of this Memorandum and Order to defendant at his last-known address.

DATED this 9th day of November, 2006.

BY THE COURT:

s/ Joseph F. Bataillon

Chief United States District Judge